

May 8, 2006

1. Call to Order/Roll Call/Opening Ceremonies

Chairman Alex Vispoli opened the meeting of the Board of Selectmen on Monday, May 8, 2006 in the Selectmen's Conference Room in the Town Offices at 6:24 p.m. Present were Selectmen Lyman, Hess and Chairman Vispoli. Town Manager Buzz Stapczynski was also present.

2. Executive Session

It was moved by Selectman Hess and seconded by Selectman Lyman that the Board goes into Executive Session to discuss collective bargaining strategy and to return to Open Session. The motion was voted and approved 3-0 by roll call vote, Selectmen Lyman, Hess and Chairman Vispoli in favor. Present at the Executive Session was Town Manager Buzz Stapczynski.

There being no further business to come before the Board, a motion was duly made and seconded to adjourn the Executive Session and return to the Open Meeting at 7:00 p.m. The motion was voted and passed 3-0 by roll call vote, Selectmen Lyman, Hess and Chairman Vispoli, in favor of the motion.

3. Opening Ceremonies

Upon return from Executive Session, Chairman Vispoli called the Regular Meeting to order at 7:00 p.m. Selectmen Hess, Lyman, Teichert and Chairman Vispoli were present. Selectman Major was absent. Also present was Town Manager Buzz Stapczynski and Town Clerk Randall Hanson. The Chairman called for a moment of silence followed by the Pledge of Allegiance. Recording Secretary Elizabeth A. Kochakian took the minutes. This meeting was duly posted and cablecast live.

4. Communications/Announcements/Liaison Reports

Town Manager Stapczynski:

- The Manager showed the plaque Andover received from the Lawrence General Hospital. Plaques were also given to the communities LGH serves, Lawrence, North Andover, Methuen and Salem, New Hampshire. The Manager said he was invited to the opening of the new \$20 million emergency room at Lawrence General last week and that it was an honor to be there and honor the facility which will be officially opening the middle of next week.
- The Massachusetts Accreditation Team is coming to Andover to review the Andover Police Department on May 17 and 18<sup>th</sup>. They will be sending people to review the Department and provide the Police Chief with some feedback regarding how they are meeting accreditation standards.
- The Department of Environmental Protection will be giving the Town an award on this Thursday, May 11, for their efforts on behalf of the lead in the water enforcement program. He explained that two or three summers ago the DEP came out with a regulation that affected public drinking water in public facilities and schools having to do with the high content of lead. Andover developed a program with the school administration, DPW, Water Treatment Plant, and Plant and Facilities and changed over and fittings or fixtures, water bubblers, etc. that needed attention. The award will be presented at the State House on Thursday to Andover officials attending.
- Congratulated Randy Hanson for becoming a Certified Municipal Clerk.
- Thanked Ms. Hanson and her crew for conducting a great Town Meeting. Ms Hanson said she had about 1,500 people that attended Town Meeting the first night.
- Mary Donohue, Director of Community Services, asked that he announce that the Wednesday night concerts are scheduled to begin Wednesday, June 28 until Wednesday, August 23 from 6:00 to 8:00 p.m. in The Park. The concerts are free.

May 8, 2006 (Cont.)

4. Communications/Announcements/Liaison Reports (Cont.)

Town Manager Stapczynski (Cont.):

- Jack Petkus, Director of Public Works, reminded people that they have a Household Hazardous Waste Collection Day set for this Saturday, May 13, 2006, at the West Elementary School from 9:00 a.m. to 1 p.m. He also noted that two CRT days have been lined up: The first, May 20, 2006 from 9:00 a.m. to 1:00 p.m. and the second on June 17, 2006 from 9:00 a.m. to 1:00 p.m. Both will be held at West Middle School.
- Also, that Curbside leaf collection is still going on until Friday, May 26<sup>th</sup>.
- Mr. Petkus also reminded that the Ledge Road landfill, public involvement process is ongoing and they have a follow up meeting on May 10 at 6 p.m. at the Water Treatment Plant.
- National grid informed the Town that they are almost done with the tree-trimming program. He said they are 85 percent complete with removing hazardous trees and thanked the Town for their cooperation and support of this program. He said the Town is eligible to receive a Municipal Tree Grant up to \$15,000 dollars. The Replacement Planting Program will be administered by the Massachusetts Department of Conservation and Recreation.

Selectman Ted Teichert:

- Clown Town sponsored by the Andona Society is taking place on May 19 and 20, 2006.
- The Senior Center had their annual pancake breakfast last Saturday morning. He said that parking was tight with all the other activities that were going on and asked if in the future there was any way they can section part of the parking lot for seniors. Town manager said he would look into that.

Selectman John Hess:

- Crafts in the Park will be held next Saturday. Also, congratulation to the Andover High School for hosting the Special Olympics this past weekend.
- On May 13 the National Association of Letter Carriers will be having a Food Drive. The idea is to put out food in cans, non-perishable items, so the letter carriers can pick them up when they come by.
- Congratulated Margo Bixby who will be getting Eartha Dengler History Award May 11, 2006 from the Lawrence Historical Center.

Selectman Mary Lyman:

- Council on Aging is meeting this Thursday at 8:00 a.m. at the Senior Center and the Disabilities Commission will be meeting this Thursday May 25, 2006 at the Memorial Hall Library.

Selectman Alex Vispoli:

- The Senior Center breakfast this past weekend was a great event.

May 8, 2006 (Cont.)

5. Approval of Consent Agenda Items

A. Appointments and Re-appointments

It was moved by Selectman Teichert that the Board approve the following appointments by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
COMMUNITY DEVELOPMENT & PLANNING - Planning Division			
Jacki Byerley	Planner (v. P. Materazzo)	IE20-1	5/15/06
PLANT AND FACILITIES DEPARTMENT - Parks & Grounds Division			
William Miner	Equipment Operator II/ Equipment Mechanic (v. P. Gallant)	W3-4-3	5/8/06
David W. Ferris	Building Maintenance Laborer - Temp.	\$18.00/hr.	5/15/06
Wayne R. Belloir	Maintenance Craftsperson/ Painter (v. R. Gallant)	W5-1	5/15/06
COMMUNITY SERVICES			
Jose Perez	Enrichment Instructor - PT	***	4/19/06
Vikram Qazi	Sports Assistant - PT	C2A	3/31/06
Anna Carbone	Enrichment Instructor *** Varies with course	***	3/29/06
MEMORIAL HALL LIBRARY			
Barbara McNamara	Staff Librarian (v. R. Ren)	IE 20-8-1	5/22/06
TOWN CLERK			
Marilyn Nolan	Pollworker - PT	\$7.00/hr.	5/9/06
LOWELL JUNCTION INTERCHANGE TASK FORCE			
Alexander Chanler - Term to expire 6/30/08			

Selectman Hess seconded the motion. Selectman Lyman said she would like to see the person that is being replaced with each appointment in order to keep a closer track on who the replacements are for. Also, she wanted to make sure CORI checks are done on all people working in the schools. The Manager said that is now done on all new employees.

With no further discussion, the motion was voted and approved 4-0.

5. Approval of Consent Agenda Items (Cont.)

May 8, 2006 (Cont.)

B. National Grid Communications, Inc.

Selectman Teichert read the request from National Grid Communications, Inc. (National Grid Wireless) asking for permission to deploy its Distributed Antenna System (DAS) on the following utility poles in the public rights-of-way:

- Pole #2969 - Main Street
- Pole #2328 - Prospect Road
- Pole #2063 - Salem Road
- Pole #6502 - Wildwood Road
- Pole #4290 - Black Horse Lane
- Pole #4178 - Gould Road
- Pole #3084 - Main Street
- Pole #3020 - Main Street
- Pole #7499 - Sagamore Drive

It was noted that these requests have been reviewed and approved by the Zoning Board of Appeals and the Department of Public Works.

Mike Cooper, Manager of Infrastructure Rights and Permits, from National Grid Wireless appeared before the Board. Mr. Cooper passed out a copy of his presentation and explained that the Distributed Antenna System (DAS) is the ability to provide coverage and capacity to wireless carriers into an area that lacked that coverage before. He then gave his Power Point presentation on his request. Because of their relationship with the Electric Company, he said they have access to their poles and have made agreements with them to put their boxes and antennas on their poles. Mr. Cooper explained how the system works. He said the benefits to the community are as follows:

- NGW to indemnify the Town of Andover.
- Town of Andover additionally named in Insurance Certificate.
- NGW to pay property tax associated with network.
- Town to receive 2 strands of dark fiber at no cost for municipal purposes.
- Deployed at no cost to the town.
- Residents get coverage where normally their phone will drop out. It improves community access to high quality wireless communication.
- In addition, Mr. Cooper said they are posting a bond to cover the removal of the system should that be necessary.

Selectman Vispoli asked what wireless providers are committed to use this. Mr. Cooper said they have two agreements to use this, Sprint and T-Mobile. He said the above spots were chosen because these were dead spots for a number of carriers. He said the system is expandable but they have not had interest from their customers to expand their networks.

The Town Manager then called on Bill August, the Town's Telecommunications Attorney, to come before the Board to speak on the request and answer questions.

Atty. August explained that the motion before the Selectmen contains language that the approval if granted would be subject to the indemnification agreement and that insurance certified bonds are to the satisfaction of the town.

May 8, 2006 (Cont.)

5. Approval of Consent Agenda Items (Cont.)

B. National Grid Communications, Inc. (Cont.)

Atty. August was asked if there was anything that concerned him at all as they negotiated this. Atty. August answered that he wanted to have this process prior to the installation not after but that there was an apparent misunderstanding about the sequence. He added that Andover did have the prior reviews with the zoning process that was much more comprehensive than most towns.

Selectman Hess asked if any neighbors were notified about this meeting tonight. Atty. August said they were not for this meeting but that abutters received notices for the zoning process. In answer to Selectman Hess, Mr. Cooper said very few abutters/residents raised issues; if any, they were primarily to the size of the box and the color and if it made noise.

John Pasquale, 47 Whittier Street, said he had two concerns. 1. That they have a \$52 million Fire and Police station and would not like to see this located on the same frequency. 2. He would not like to have to look at one of those poles in the Center on Main Street. Selectman Teichert told Mr. Pasquale that said all the poles are south of Main Street. Mr. Cooper said the devices are up and running and there are no reports of interference.

In terms of expansion into additional locations, Atty. August said this motion is limited to a finite number of locations listed. Any additional location will be subject to additional proceedings.

In answer to Mary Carbone, Atty. August said there are two companies owning the poles; there is the parent company as well as the Telephone Company and some times jointly owned. Ms. Carbone asked if they were in competition with Comcast and Verizon who are in the community. Atty. August said this model, the way it has been explained, will not compete but will provide the transmission system for pre-existing communication services that may have lapses in their coverage areas. Ms. Carbone felt they should be very vigilant about this whole policy area and not take it for granted.

After all discussion, it was moved by Selectman Hess that the Board of Selectmen authorize National Grid Communications, Inc. ("National Grid Wireless") to deploy its Distributed Antenna System on nine (9) utility poles located in the public rights-of-way in the Town of Andover subject to the following:

Such public rights-of-way installation shall be as previously described in the documents submitted to the Town on March 31, 2006, and as previously described before the Town of Andover Zoning Board of Appeals. The Selectmen hereby authorize said installations only to the extent consistent with said Zoning Board of Appeals approvals with respect to same.

The Board of Selectmen's authorization is further subject to National Grid Wireless providing the Town with an indemnification agreement, insurance certificates and performance bond satisfactory to the Town and subject to National Grid Wireless fulfilling any other commitments set forth in their documents submitted to the Town on March 31, 2006.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

5. Approval of Consent Agenda Items (Cont.):

**May 8, 2006 (Cont.)**

C. Common Victualler Licenses

It was moved by Selectman Hess that the Board approve the request of Corporate Chefs at Minuteman Park, 22 Parkridge Road, Haverhill, MA, for two Common Victualler licenses for use at 100 Minuteman Park and 200 Minuteman Park, Andover. Both requests have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

D. One-Day All-Alcoholic License

It was moved by Selectman Hess that the Board approve the request for Patricia Gerety, Phillips Academy Assistant Director of Alumni Affairs, 180 Main Street, Andover, for two one-day all-alcoholic beverage licenses for use in the hospitality tents on the Phillips Academy campus for the 2006 Reunion on Friday, June 9 and Saturday, June 10, 2006 from 3:30 P.M. to 11:30 P.M. Students will not be on campus at this time. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to issuance of the licenses.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

Selectman Hess noted that Saturday, June 10, is the rededication of the Bell Tower at Phillips academy.

E. Vehicle for Hire License

It was moved by Selectman Hess that the Board grant permission to Jose Javier, d/a/b Central Car Services, Corp., 2 Dundee Park Drive, Andover, to increase their present license by ten vehicles for a total of twenty-five vehicles. The licenses will be effective from May 8, 2006 through April 30, 2007. The request has been reviewed and approved by the Police Department and Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses and with the condition that none of the cars can be housed overnight at the Dundee Park Drive location. The motion was seconded by Selectman Lyman.

Atty. Mark Johnson, Council for Central Car Service, confirmed that none of the vehicles would be housed in Andover nor in the city when they are off duty. Dundee Park is just an office where they receive phone calls and requests for service.

After all discussion, the motion was voted and approved 4-0

6. Citizens Petitions and Presentations

None this evening

7. Public Hearings

A. National Grid

**May 8, 2006 (Cont.)**

Selectman Teichert opened a public hearing to hear the request of National Grid for permission to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the following public way:

- Sunset Rock Road at #17 - approximate location shown on Plan #70/330 dated 4/13/06

The request has been reviewed and approved by the Department of Public Works with the condition that prior to construction a street opening permit must be obtained from the Department of Public Works.

David Boushar, representing National Grid, was present to answer questions. He said that currently the resident at 17 Sunset Rock Road has an overhead service and he wants it underground in the street. They need the Town's permission to bring their electric line from the pole, underground, and enter it into the property. In answer to Chairman Vispoli, Mr. Boushar this will be done at the expense of the homeowner.

Mary Carbone commented that there was possibly going to be a development out there at some point. She wondered if that development would be able to tie into this underground system. Mr. Boushar said there are poles up the street and they will be able to tie into this system.

With no objections the public hearing was ordered closed.

It was moved by selectman Teichert that the Board approve the above request. The motion was seconded by Selectman Lyman voted and passed 4-0.

**B. National Grid and Verizon New England**

Selectman Lyman opened the public hearing to hear the request of National Grid and Verizon New England for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

- Lowell Junction Road at #30 - approximate location shown on Plan #70/329 dated 4/5/06

The request has been reviewed and approved by the Department of Public Works with the condition that prior to construction a street opening permit must be obtained from the Department of Public Works.

Mr. Boushar explained the request and a short discussion followed. With no objections, the public hearing was ordered closed.

It was moved by Selectman Lyman that the Board approve the above request. Selectman Hess seconded the motion. The motion was voted and approved 4-0.

**8. New Business**

**A. Amendments to Town's Traffic Rules and Regulations**

**May 8, 2006 (Cont.)**

A discussion was held on the following amendments to the Town's Traffic Rules and Regulations as recommended by Safety Officer Robert Cronin and the Town Engineer Brian Moore:

**a. Schedule 2, Article VI, Section 1 - ONE-WAY STREETS**

**Add:**

- "One-Way" behind the School Administration Building/Doherty Middle School with traffic flowing from The Park side of the campus starting at Whittier Court to Bartlet Street. An area in this roadway would be marked with signage and striping to create a "parent drop-off area".

Mr. Bruce Maki, Principal of Doherty Middle School, was present for the discussion as well as Police Safety Officer Bob Cronin and Brian Moore, Town Engineer. Officer Cronin said that both Mr. Maki and he had numerous meetings over the past five or six months regarding general safety concerns and traffic flow at Doherty Middle School. He said they actually discussed some of these proposed changes before there was any talk of any additional building at the Doherty Middle School site.

Officer Cronin said that their number one concern was the safety of the students at Doherty with the large amount of cars that were co-mingling with the busses in that area. They are trying to come up with a long-term solution to make it safer for the students at Doherty, making it easier for the Senior Center and last but not least to try to get a little relief for the residents on Whittier Court. He said they came up with several proposals, some of which are in front of the Board tonight. The biggest one is to create a one-way traffic flow on Town property along Doherty moving from The Park side past the School Administration building, Senior Center behind Doherty out past the old Stowe School site back to Bartlet Street. To add to this they marked out the area to the back to be exclusively for parent drop off. At some point in the future, he said they would like to entertain a proposed cutoff in the front not necessarily a big traffic circle but something where drivers could get off the road. Officer Cronin suggested the Board approve the "one way" 24/7 from The Park side in and out Bartlet Street at Stowe School. Bruce Maki said if they can do signage and make it a one-way street, they would gain a certain amount of control that they do not have now.

A lengthy discussion was held on the change presented. Neighbors from the three houses on Whittier Street were present and they were asked if their concerns were addressed. Officer Cronin said they wanted to allow the residents to have the choice of going either way out of the driveway if that is what they wanted. Mr. Maki said one of the concerns was how narrow that street is in front of their house. He said this change would mean there would be fewer cars or vehicles then making that a two way street.

Richard Gagnon, 6 Whittier Court, said his property abuts the field. They have been there since 1979 and have seen a lot of growth. His concern was that this would create more traffic because everybody will be coming in that way. However, they supported them because it was a step in the right direction.

**8. New Business (Cont.)**

**A. Amendments to Town's Traffic Rules and Regulations (Cont.)**



May 8, 2006 (Cont.)

a. **Schedule 2, Article VI, Section 1 - ONE-WAY STREETS (Cont.)**

Mr. Gagnon said Whittier Court was never meant to be a two way street and when they moved in they had a sign indicating it was only one way. Ideally, what they would like to see long term is that Whittier Court end at the end of his driveway making it a safe path for every child that comes down to use that field with no risk of traffic. He said that it is the only school they are aware of that the Town has sanctioned a drive through that people cut through to go downtown Andover in the morning. He did not think this is going to address that. Also, he didn't understand why the busses are parked there from 6:00 in the morning to 7:00 in the evening and blocking the street.

Mr. Gagnon felt the school should have a dedicated area for the parents to drop and pick up their kids. The senior center should have additional parking created by removing that extension at the end of the parking lot and stopping the street at the end of his driveway. He said he would like to know what the signage is going to look like and did not think they need more signs there because people don't pay attention to them anyway. He felt it was unsightly for a neighborhood to have all those signs and he was concerned about that. Nancy McCormick said someone was going to get killed because it is too small an area to pass. She said it was never meant to be a two way street and never was; they would like their dead end street back.

Selectman Teichert said his other concern was the proposed youth center being built back there and how that would play into this. Officer Cronin said he would not comment on any specific plans on that now. His concern and what they want to do tonight is that they want the students of Doherty school to be able to exit the school, get onto a bus curbside, get into a pickup car curbside, and not go blasting through a parking lot to get to a buss or car. Mr. Gagnon said he agreed with this short term but felt they also have to look at this long term because this area is too congested. To support this, Selectman Lyman said what they are trying to do is to see what they can lay out for the parents and see how they do and start working on what else. She commended Officer Cronin and Mr. Maki for being preemptive before someone does get hurt. If they get what they want going then they can look at fencing and do more. She said she is very concerned someone is going to get hurt before they do something.

Mary Carbone said she knows Officer Cronin doesn't want to get into it but there is conversation ongoing here about a potential youth center being built behind the Doherty School. If they are having problems with traffic issues presently, she asked how they are going to handle any additional traffic that would be initiated by the addition of a new building. Selectman Teichert answered that they are looking at two or three years before something can happen. It doesn't change the one way now but concerns in the future will be dealt with. Selectman Hess said there will be a meeting here on May 17 and questions related to the youth center and traffic will be one of the biggest issues.

Debra Gagnon, 6 Whittier Court, said she was concerned that people will now go through the Senior Center parking area, drop off their student and turn around in front of her house that abuts the field.

8. **New Business (Cont.)**

A. **Amendments to Town's Traffic Rules and Regulations (Cont.)**

a. **Schedule 2, Article VI, Section 1 - ONE-WAY STREETS (Cont.)**

May 8, 2006 (Cont.)

Mr. Maki said he didn't think parents would look to do the quick route near the school administration area and those looking to drop off their kids will keep them in the designated area.

John Pasquale said he sympathized with these people and all that is going on around their houses. He felt they should block the street off and give them the privacy they need.

Selectman Hess suggested they start this right away and at the end of the school year look into it again and at the same time come up with options to make it a dead end street. Mr. Maki said he would prefer for it to start in September. Officer Cronin suggested they start this at the end of the school year. Selectman Teichert asked that they look at removing the island by the parking lot at the Senior Center over the summer and see what they can do. The Manager said that if they are looking for a date, perhaps they could get signage up mid July or August. Mr. Gagnon asked if the residents could be told where the signs will go. Officer Cronin said they would be on the center island in the front, where the bus goes out. Officer Cronin said it was his personal suggestion to leave it as it is here and then take a good hard look and see how they can put a sign up and close it off. Selectman Lyman told the residents to contact the Selectmen if it is not working.

It was moved by Selectman Lyman that the Board approve the following amendment to the Town of Andover's Traffic Rules and Regulations:

Schedule 2, Article VI, Section 1 - ONE-WAY STREETS

Add:

- "One-Way" behind the School Administration Building/Doherty Middle School with traffic flowing from The Park side of the campus starting at Whittier Court to Bartlet Street. An area in this roadway would be marked with signage and striping to create a "parent drop-off area" to be implemented by August 1 but not before July 4. The motion was seconded by Selectman Teichert, voted and approved 4-0.

Chairman Vispoli asked the Manager to look into the issue mentioned this evening about the busses being parked on Whittier Court all day. Selectman Lyman asked that the Andover Youth Department vans be moved to park at the regular lot so people can pull up to the curb in the mornings there at Doherty.

b. **Schedule 1, Article V, Section 2 - PARKING:**

Discussion was held on the request for no parking in the following locations:

8. **New Business (Cont.)**

A. Amendments to Town's Traffic Rules and Regulations (Cont.)

b. **Schedule 1, Article V, Section 2 - PARKING (Cont.):**

**May 8, 2006 (Cont.)**

- North side of Chestnut Street from Morton Street westerly for a distance of 70'
- South side of Chestnut Street from Morton Street to Avon Street
- North side of Chestnut Street from 50' east of Avon Street to 40' west of Chestnut Court
- South side of Chestnut Street from Pasho Street to 80' west of Chestnut Court
- North side of Chestnut Street from Chestnut Court to Whittier Street

Add "No Parking" at the following locations:

- South side of Chestnut Street from Whittier Street to 70' east of Whittier Street
- South side of Chestnut Street from Whittier Street to Bartlet Street
- East side of Whittier Street from Chestnut Street to Park Street
- West side of Whittier Street from 80' south of Park Street to Summer Street
- West side of Whittier Street from Park Street to Summer Street
- East side of Whittier Street from Summer Street to Elm Street
- East side of Whittier Street from Summer Street southerly for a distance of 40'

It was announced at this time that on Wednesday, May 10, West Elementary School is having their first annual "Walk to School" day.

Officer Cronin said the "No Parking" in the above areas is in conjunction with the Whittier-Chestnut Streets sidewalk project. He said that part of that project is to put in vertical granite curbing. As a result of that, the roadway is going to be significantly narrowed down and they are going to have to move parking to one side of those streets. They will also be putting in some traffic calming measures. That will be done by the way of striping and by restricted parking on one side of the street and alternating to another. The lane shift will cause motorists to slow down. The other thing they are going to do is striping the roadway with double yellow centerlines as well as fog lines that will visually narrow the road down. They struck a compromise between the residents and the Fire Department who had certain requirements they need.

Brian Moore, Town Engineer, along with Arthur Martineau, the Assistant Town Engineer, appeared before the Board and made a Power Point presentation on this request. The presentation described how they reached this point and then walked through the project design. A handout of the presentation was given to the Selectmen. Following are highlights of the presentation and a summary of all of the sections where parking is being proposed to be eliminated:

**8. New Business (Cont.)**

- A. Amendments to Town's Traffic Rules and Regulations (Cont.)
- b. **Schedule 1, Article V, Section 2 - PARKING (Cont.)**

May 8, 2006 (Cont.)

- Funding of this project approved at the 2005 Town Meeting.
- They have had two design meetings and received many suggestions.
- In March revised the design implementing these suggestions.
- No land takings are necessary.
- No changes in the section of the street along the park.
- Plan to remove and repave that section of the sidewalk.
- Whittier Street is where most of the changes begin.
- To the left of Whittier Street, the parking is on the north side.
- To the right side of Whittier Street, a short transition zone where the lanes will shift to the north side so parking will begin on the south side and eliminated along the north side.
- Continuation of that parking along the south side and no parking along the north side.
- Just west of Chestnut Court where lanes will shift to the south side, parking will be eliminated on the side and permitted on the north side.
- At Pasho Street the lanes will again shift and parking will be permitted along the side along to Avon Street and be eliminated on the north side.
- Another lane shift near Avon Street parking allowed on the north side and eliminated on the south side.
- Coming to the end of the project on Chestnut Street at Morton Street another short transition zone where parking will be eliminated on the north side.
- Whittier Street at the beginning of Chestnut Street parking will be permitted on the west side and eliminated on the east side up to the next transition area on Park Street then shifted to the west side and parking allowed on the east side up to the next block at Summer Street.
- Lanes then shift to the south side and parking eliminated on the south side and be permitted on the north side all the way to the end of the project at Elm Street.

Mr. Moore asked the Selectmen to approve these parking changes to allow this project to proceed.

Sandra Divincenzo, 38 Whittier Street, said she voted to do the sidewalks because she felt they were hazardous. However, she said she didn't know she was voting for a cost item of restructuring the whole street. She said this plan takes away a lot of parking and takes away resident parking in front of one's house. She said she has a concern about the safety on Whittier Street because she sees all the traffic that passes through and this is going to make the street narrower. She asked that they keep it simple and reasonable so everyone can enjoy walking in town.

Mr. Moore explained that the reason for eliminating parking on one side is to maintain the existing grass strip. Otherwise, if they have parking on both sides of the street you have to eliminate the grass strips. There is a lot of parking in the vicinity of Park Street further up on the street.

8. New Business (Cont.)

- A. Amendments to Town's Traffic Rules and Regulations (Cont.)
- b. Schedule 1, Article V, Section 2 - PARKING (Cont.)

Roland Gubisch, 74 Chestnut Street, said he would be in favor of the

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proposal but that he and his wife are concerned about exiting their driveway when cars are parked in front of their house up to the edge of their driveway. He said Mr. Moore has proposed that they would widen the driveway where it comes out to the street. He felt that was a reasonable option and a compromise that he would be in favor of. However, he said he has a concern about the impact of snow removal that will be a problem that will have to be addressed with the Highway Department.

John Pasquale, 47 Whittier Street, pointed out that there are 13 automobiles parked in front of 4 houses on Whittier Street. He felt they are going to get decimated by the number of spaces taken out. He said he was concerned about the flow of water and wants to make certain the Town is going to reorient all the sewers starting at the corner of Chestnut Street that is flooded right now. He wants to see the engineer's design how the water is going to go down Whittier Street by the dump to get into the storm drains. Mr. Moore said they would be installing storm drains everywhere that is necessary and where traffic calming bump outs are created. He said they understand these bump outs are going to change the flow of water and they are planning to install catch basins everywhere necessary to catch that water.

Selectman Lyman noted that the grass strips are part of the traffic calming measure that everyone wanted. She said if they want the parking spaces they have to go without grass strips.

Karen Ishihara, 53 Whittier Street, said she was in favor of the traffic calming measures from Summer to Elm Streets. She said she works downtown and one can walk to work from one street up on Park Street. There was no reason why they can't park there and walk an extra one hundred feet. Also, she asked if they are going to have to petition to the engineers to get their driveway widen at the end or are they going to do it for everyone. Mr. Moore said that generally the curbing will be set three feet wider than the actual driveway without having to ask for it. As to the next step, Mr. Moore said they need approval of this request before they go to construction with this design.

Selectman Lyman thanked Mr. Moore for the work put into this. She said this took a terrific amount of patience to craft this and thanked the Department for working with the residents and listening to all their concerns and to Officer Cronin for participating in this as well. Mr. Moore said if they can get approval of this parking change, they could get this out to bid and start construction shortly after school ends and get the bulk of the work done during the summer.

It was moved by Selectman Teichert that the Board approve the proposed amendments to the Town of Andover's Traffic Rules and Regulations associated with the Chestnut Street and Whittier Street sidewalk project to Schedule 1, Article V, Section 2 - Parking as printed above. The motion was seconded by Selectman Lyman voted and approved 4-0.

8. **New Business (Cont.)**

B. Lowell Junction/I-93 Interchange Task Force Presentation

Chairman Vispoli opened this discussion by giving a background on the Lowell Junction/I-93 Interchange Task Force. He said the Task Force was formed a couple of months ago to study the options, the time line, understand the impact, and put a process together that would be able to demonstrate what the Lowell

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Junction/I-93 Interchange will mean to Andover and the surrounding neighborhood and report their findings back to the Board of Selectmen. He said that this evening they would present an interim report.

Paul Materazzo, Town Planner, introduced the following individuals that were present at the meeting for this discussion: Task Force members, Chris Huntress, Chairman, Terry Szold, Alexander Chanler, and Doug White, as well as Tony Comornick and representatives from the Merrimack Valley Planning Commission, and Steve Sadwick, Director of Planning in Tewksbury and two representatives from the Tri Party Task Force representing Tewksbury.

Before the presentation, Mr. Materazzo said that any changes that move forward will have to address the immediate needs in Andover which will be to reduce local traffic in Ballardvale, on Rte. 125 and local and surrounding neighborhoods. He said that was the number one need of the community no matter what interchange alternative goes forward. If that issue is not addressed Andover and the Task Force will not be able to stand in front of the Selectmen and Planning Board and support this interchange. He then gave a background of the presentation to be presented this evening.

Chris Huntress first thanked the Board for having them this evening. He said he would be giving an update as to where they are as they are not ready for the final report in the process. Copies of the presentation were passed out to the Selectmen. He said that at the meeting on May 2, there were opening remarks by Gaylord Burke who explained the process of the interchange justification and what they expect to see over the course of the next few weeks and several months and that an independent traffic consultant had compared the 9 interchange alternatives to the MVPC and they have reviewed the nine options. He said the Task Force has been able to focus on two of those that they consider to be more real. This evening, Mr. Huntress said he will take the Selectmen through those two alternatives in greater detail; give a glimpse of the major issues they have identified; and, what the next step as a task force will be moving forward.

Highlights of the Power Point presentation were as follows:

**Scope of Work:**

- Reviewed the Lowell Junction area which showed the undeveloped acreage in all three communities (Andover, Tewksbury and Wilmington) and where they were located. He said there are development opportunities here and existing facilities that have created the need and justification for an interchange.
- MVPC hopes to issue an Interchange Justification Report (IJR) with a preferred alternative by June 1, 2006.
- The purpose of the study is to justify an interchange.

**8. New Business (Cont.)**

**B. Lowell Junction/I-93 Interchange Task Force Presentation (Cont.):**

**Review criteria:**

- Provide immediate and direct access from Route I-93 to existing businesses in the Lowell Junction area.
- Improve traffic conditions in existing residential neighborhoods.

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- Support an alternative that maximizes the economic development potential for the Lowell Junction area.
- Avoid deterioration of level of service benefits obtained or expected from recently improved intersections and roadway projects.
- Avoid an alternative that could pose adverse impact to Andover's downtown and commercial area.
- Avoid alternative that involves excessive construction cost.

All nine alternatives were reviewed against those criteria:

- Alternative 4 and 9 were the two that came forward as the two that best suited the needs of all three communities and fit their criteria.
- Alternative 4 is based on a diamond interchange. This alternative provides full access both to the east and west side of the highway for the developable acreage.
- Alternative 9 creates a loop system. This provides access to both sides of the highway in a slightly different way.
- It was their finding alternative 4 provides a better benefit to local roads because it is more immediate and direct and it is the travel time issue on alternative 9 that creates the higher volume on local roads.

Mr. Huntress then briefly reviewed a chart showing the 2005 peak traffic volumes analyzing morning peak hours and evening peak hours on local roads. He noted that when you take a quick look at alternative 4, it provides a more significant benefit to local roads. In answer to Chairman Vispoli, Mr. Huntress said the analysis of Rt. 125 was only studied at the intersection of Ballardvale Road and Rt. 125. The study did not take in account further east. He said they do have some information but not enough to understand what the full impact will be on Rte. 125 and that was one of the things they will be asking for.

Mr. Huntress noted other ways Vanasse Hangen Brustlin (VHB) has reviewed the 9 alternatives included preliminary cost and environmental impacts. The cost for alternative 4 is \$53 million and alternative 9 \$59 million. The difference is in the roadway and most is federally funded but if you have an alternative which is better for local roads and cheaper for the taxpayers to pay for it, that ought to be considered.

Finally, Mr. Huntress said the environmental impact between alternatives 4 and 9 shows DEP wetland 1.7 acres under alternative 4 and 4.3 acres under alternative 9. He said the Task Force so far has supported advancing at least 2 alternatives for consideration. From the May 2 meeting, he said they have gathered more information that was presented this evening. New information generate new questions for them one being what about additional impacts down the Rte. 125 corridor. They would like to see the traffic impact and potential mitigation there and in Ballardvale. Regardless which scenario goes forward, Mr. Huntress said all of these things should be considered. The Town of Andover should expect to conduct an independent traffic review of the project.

8. New Business (Cont.)

B. Lowell Junction/I-93 Interchange Task Force Presentation (Cont.):

That is something that is going to be a recommendation of this committee as it moves forward. Right now, he said the study identified certain build out within the Lowell junction area. There are areas that surround Lowell junction that can be rezoned or may be undeveloped and under developed which could provide additional impact and traffic in this roadway network which they are providing.

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They are suggesting that further studies of this issue to include modifications/alternations to existing alternatives by VHB.

Terry Szold added that the Task Force was asked to not only look at traffic issues, but quality of life and land use issues. She said in her view the problem with alternative 9 is significant; one of the things, the reclassification of land from residential use to commercial use which the study does not take into account. She said that Tewksbury reclassified land for the Mills Corporation and Tewksbury and Wilmington will be shielded from traffic from that on their local roads and Andover will not. She said the loop alternative will enable greater reclassification of land and greater build out and will have access to the Ballardvale Industrial Park area. She felt they needed to look beyond just the volume and build out that is in this study. It is only based on the current zoning and there will be incentives to reclassify land.

Mr. Huntress said the points Ms. Szold pointed out have led them towards a short list of additional steps they feel the Town should take to protect themselves as they move forward. They need to protect and make sure Andover has taken a good look which alternative is better and if there is a way to protect local roads then they need that. To do that, he said they are going to need additional data and information and they will have to be tied to it offsite, improvements to local roadways that would include traffic calming, roadway configurations and the like that would benefit residential neighborhoods surrounding that would be impacted by this.

In conclusion, Mr. Huntress said that Thursday night, May 11, 2006 will be the second public information session. During the week of May 15, the Task Force will be submitting a draft report to the Board of Selectmen in which they will outline their concerns and what they think the advantages are to certain alternatives. During the week of May 22, the Board of Selectmen will need to transmit to the MVPC the final Town report. The MVPC is hoping to publish on June 1, the draft Interchange Justification Report. The Task Force needs to move quickly to have Andover's opinion in there.

Chairman Vispoli thanked the committee for the good work they have done under the short time frame they were under. He said he appreciated the work the committee along with the Planning Group and Paul Materazzo have put into this.

Selectman Hess said his main question to the MVPC is whether they are going to be able to justify an interchange. There are a number of criteria they have to meet for the Federal government before they approve them going to the next step. Tony Comornick said there are 8 criteria the Federal Highway Administration uses to determine whether an interchange on an interstate is warranted. Most of these criteria are met in a straightforward matter. Most important of the 8 criteria is the impact the interchange will have on the main line traffic volume.

8. New Business (Cont.)

B. Lowell Junction/I-93 Interchange Task Force Presentation (Cont.):

Mr. Comornick said they think this will be a very close call but from what the traffic conditions along I-93 are at this point, it looks like it will be the equivalent. What they are presenting here is the best estimates of the impact of a variety of interchange alternatives to traffic. He added that the Federal Highway Administration has given an interim approval to move forward.



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Selectman Hess noted that this process has been going on for 20 years. He wanted to thank the MVPC for their report and more opportunity for their input. He also thanked the Tewksbury representatives for coming this evening. He felt they needed to find a way to get together with the boards from other towns, if they get the next step approval from the Federal Government, and find a way to work together.

In answer to Selectman Lyman, David Wahr, Consultant to Mills, elaborated on what agreement they have signed, which parties and how long the agreement was for. Mr. Wahr said they have an agreement with Mr. Perkins, but they have not yet purchased the land. They are presently with permitting and they have gotten rezoned. Things are on hold to find out if they can get the approval of the interchange because without the interchange, he said there is no mall. There have been a lot of hearings but no local approvals in Tewksbury yet. The mall will be built if there is an interchange, if all of the approvals are issued, and within a reasonable time. The agreement is for another year and one half.

Mary Carbone said that Burt Road opened in 1985. From that point on Ballardvale has initiated significant traffic. If this interchange goes through it is going to open up a lot of parcels on the Andover side owned by the Perkins and Kelley families. That is going to initiate more traffic on the Andover side if they open it up and rezone it. That is a great potential for large problems for the Town.

John Pasquale felt they needed the interchange. He said the interchange would provide access in an evacuation plan. He felt they should get their local politicians to get on board to help them.

Paul Woods said he owns a large parcel of land 54 acres with a 3,000 ft. frontage on I-93 and for years, he has been trying to get access to his property. He felt the interchange would not only benefit Andover but Tewksbury and Wilmington because it is a regional project. He was in favor of alternative 9 because it will have a less environmental impact on wetlands. If he were to be able to build on his parcel of land, he would bring 3,000 jobs to the Merrimack Valley and this area. Also, a minimum of \$4 million in tax revenue to the Town of Andover. Currently, he said they pay \$20,000 in taxes on that land, and that land could be bringing in a lot more tax revenue to the Town of Andover. He said there isn't one politician they haven't talked to on this property and not one has had a negative comment on it. They have companies lined up but can't move forward until that ramp is built up.

Steve Sadwick, Community Development Director in Tewksbury, said at the last meeting he attended on this issue, the connection to South Street was taken off the table. Here it is showing up again. He thinks Tewksbury has been clear how they feel about a connection to South Street. Tewksbury does have issues with alternative 4.

8. New Business (Cont.)

B. Lowell Junction/I-93 Interchange Task Force Presentation (Cont.):

Mr. Sadwick said they do have a framework to start talk about future land uses and they are going to continue to work forward on the interchange justification study being completed. Mr. Huntress said they have had discussions about alternative 4 with connections to South Street and don't want to do the South Street. One thing they asked is to show what the impact will be on local roads in Andover with the South Street connection from Wilmington but haven't received the data yet. That is information they want in order to work with the

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Town of Tewksbury to move forward and understand the impact. James Cuticchia, a member of the Andover Fire Department, said that the one thing he is trying to get across is that he hoped in addition to the traffic mitigation issue, he felt Paul Materazzo should make sure they have the highest and best use of that land because it is one of the last and largest parcels of industrial land in Town. He felt they have to make sure they take care of the traffic issues but also utilize that land to its best capacity for the tax purposes. He hoped that charge goes forward.

Alexandra Driscoll, 11 Forbes Lane, suggested that in addition to studying traffic on Rte. 125, if it was possible to look at the traffic along Rt. 28. She said when there is traffic on Rt. 93, Rt. 28 backs up from Rt. 125 all the way through town. Scott Kelly said his company owns 52 acres of land most of it in Tewksbury and Andover. One of the things both alternatives in the study did not take in consideration was the cost of eminent domain land takings. In alternative 4, the diamond interchange will dissect the land in Andover that will force the taking of their land. If they do alternative 9, he was willing to donate land. In alternative 4, that will require either the moving around or burying power lines that goes through there. That would be quite costly and cause delays.

After all discussion, Chairman Vispoli thanked everyone for coming and expressing their views. It was the consensus to have another meeting on May 22 from 6:00 p.m. to 7:30 p.m. with the Planning Board and Task Force.

C. Acceptance of Easements for Powder Mill Square

Paul Materazzo said this was one of the requirements of the Planning Board in the approval process with Powder Mill Condominium Trust.

It was moved by Selectman Hess that the Board of Selectmen accept the following easements granted by Powder Mill Square, LLC and Powder Mill Condominium Trust on behalf of the Inhabitants of the Town of Andover:

An easement granted by Powder Mill Square, LLC and Powder Mill Condominium Trust dated April 26, 2006 and recorded with the Essex North Registry of Deeds in Book 10148, Page 78, to maintain a sidewalk for pedestrian travel over and across the area shown as "Land Reserved and Proposed to be conveyed to the Town of Andover, Area 732 S.F." on a plan of land entitled "Condominium Site Plan - Phase 1 Powder Mill Square, Andover, Mass.", dated October 5, 2005, prepared by Merrimack Engineering Services and filed with the Essex North Registry of Deeds as Plan No. 15199 and a Corrective Access Easement, dated April 17, 2006 and recorded with the Essex North District Registry of Deeds in Book 10140, Page 166, to pass on foot over and across the area shown as "Public Easement" on a Plan of Land entitled "Plan of Land in Andover, Mass showing Public Access and Future Easement", dated October 5, 2005, prepared by Merrimack Engineering Services and filed with the Essex North Registry of Deeds as Plan No. 15198.

8. New Business (Cont.)

C. Acceptance of Easements for Powder Mill Square (Cont.)

The motion was seconded by Selectman Lyman, voted and approved 4-0.

D. Discussion on Annual Town Meeting Warrant Articles

a. **Article #44 (Audit Committee)**

Chairman Vispoli said one of the things they have talked about doing and having support for was having a Audit Committee even though the philosophy how to

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get there was different and rejected at Town Meeting. Because everyone was in agreement they should have an Audit Committee and after speaking to Tim Felter of the Finance Committee, he felt they could get one up and running as soon as possible. They can do that by deciding who is on the committee, how many people, and assure the objectives in the Charter will be the same as what they had drafted with the initial suggestion.

Mr. Felter appeared before the Board and said there is an important date coming up and that is the end of the current fiscal year 2007. He said the auditors, Powers and Sullivan, had a multi year agreement with the Town and this is the last year of that agreement and it is appropriate to start the search for a new firm. Given the time frame they need to do that, he said it could be the first responsibility of the Audit Committee. The Town Manager is the contracting authority so that it is appropriate for them to work with him to go through a RFP process to get companies as well as Powers and Sullivan interested to reply. As far as the make up of the committee, he felt there are a couple of things that could be talked about as far as where representatives of that committee should come from and who should appoint them. Chairman Vispoli asked Mr. Felter if he would like to take this on and have a discussion at the Board's next meeting. Mr. Felter said he would but felt it would be more appropriate for a couple of people to think about what would be the best approach. It was the consensus of the Board that Selectman Brian Major on behalf of the Selectmen be designated as well as someone from the School Committee.

John Pasquale suggested that the three members ought to be former members from the Selectmen, Finance Committee and School Committee. Second, he said the Town spends all this money on capital projects and the Finance Committee does not have the time to go back and see if they are getting their monies worth. He said this was one of the things he would like to see the Audit Committee do and see how the money is spent. Third, he felt it should be a 6-member committee and they should report to the Finance Committee.

Chairman Vispoli said the group would consist of Tim Felter, Brian Major and someone from the School Committee. They will see what could be done for an RFP and see how quickly they can get something developed and have the Board vote on it. The Manager said the RFP process would take up to 3 months. Rod Smith said his goal would probably be around December. Mr. Felter agreed to come back in 30 days after their discussion and see where they are. The Board scheduled a meeting for this on June 19th.

Mary Carbone suggested that the members of the Audit Committee come from the Finance Committee. Chairman Vispoli said the idea here is for them to go off and come back with a different concept and recommendation.

8. **New Business (Cont.)**

D. Discussion on Annual Town Meeting Warrant Articles (Cont.)

a. **Article #44 (Audit Committee) (Cont.)**

This will be an Ad Hoc Committee and they will have to post their meetings. He further pointed out that they actually had an Audit Committee here; it has been ad hoc at best, to go over the reports and management letters. The committee has not been defined and has no duties or responsibilities. Mary Carbone said she was not for or against it but didn't like the concept from what she has heard and being asked to change a multitude of issues.

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**b. Article #4 (the Budget) and #5 (Capital Projects Fund) - Financial Status Report**

The Manager reported for the record that they ended Town <meeting out of balance in Article 4 by \$379,312. They are waiting for figures on a whole number of things including local aide, local assessments, what new growth is going to look like. It will not be until mid August by the time they know what exactly they will be out of balance if at all.

The Manager had produced a memo that basically memorialized what happened on that day of Town Meeting for Article #4 and Article #5. Members of the Board had the letter in their packets. In summary, the Manager said in Warrant Article #4, they are out of balance by \$379,312 and for Warrant Article #5, Brian Major had made a motion that the sum of \$2,058,135 be moved and that was approved. He did it with the intent that the \$379,000 would come from the School Department CIP projects list. The motion was seconded by the Chair of the School Committee, Debra Silverstein, and he took that as an endorsement of the School Committee. The next step is to get this memo that states their understanding over to the School Superintendent, School Committee and Finance Committee for their review so they know what the Selectmen's position is and if they have a different position, to get back to them and tell them.

Selectman Teichert said if they do meet again as a tri board that they make sure it is cablecast live. The last time they met they were not on cable TV and he wanted to make sure that if they meet again they meet in this meeting room or the library to be sure it is cablecast live.

Mary Carbone said she attended the first night of town meeting and it was almost embarrassing for her to be present there and have the elected public officials, the Selectmen and School Committee interact as they did. In her opinion, she said the State house has not come through with the money that is needed for the Town; now they have to wait for the State Senate to take action. If the State Senate does not come forward with the money they need, that is going to mean that the Selectmen are going to be forced into an override. She felt it would be better to go for an override now because it would address the school issue only. She said she would like to see it happen right now because the schools have initiated this problem. If it works the other way they are going to be inundated.

Tom Deseo said the CIP was passed with a verbal understanding that the reduced amount would come from School Department related CIP projects. He asked if that meant the CIP was passed in tack or would that be subject to reduction if they have to go back and reduce the budget.

**8. New Business (Cont.)**

**D. Discussion on Annual Town Meeting Warrant Articles (Cont.)**

**b. Article #4 (the Budget) and #5 (Capital Projects Fund) - Financial Status Report (Cont.)**

The Manager said they could come from Article 4 or Article 5 if they need to balance the budget. What Brian Major was getting in his motion was that the first \$339,000 would come from capital projects in Warrant Article #5 because they were over \$379,000 in warrant article #4. Selectman Hess said for clarity sake they should use the figure of \$379,312 throughout the Manager's memo and discussion even though \$379,000 was used in the motion. It could be left at

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\$379,000 in the motion if that was what was quoted.

Second, on the Chapter 70 - Education Aid \$550,405, he said they hope to hit a target of more than \$550,000. He said the target of Chapter 70 should be what they were hoping the governor would send plus \$379,000 that would be the \$5,785,000, the governor's numbers. He felt the target number should be a number they need to get to not the increment. The Manager said he would fix that.

E. Presentation by Town Manager Re: The Andover Fire Department Management Study and Fire Chief Search

The Manager said that at the Selectmen's meeting several weeks ago, the Board asked the Manager to engage a consultant to do a management study of the Fire Department and he is in the process of doing that. He said he would be meeting with a couple of consultants this week to narrow on the scope of the study. He hopes to have something in the works in a week or two and expects it to take 40 to 60 hours depending on his discussion with them. He hopes to have that completed or have them have that completed in two months. At that same time, he said he intends to initiate the Fire Chief's search. The question tonight to the Board is direction for him on either an internal or external search. From a time frame he said an internal search using an assessment center concept would take three or four months. If he has outside candidates, it could be a four to five month's process.

Selectman Hess felt they should get the best candidate for the job and if that means going outside, he would support that. Selectman Lyman said the third option here is a concurrent search. Selectman Lyman said a concurrent search allows not loosing the time you are worrying about loosing. The Manager said the idea of starting now is for transition purposes and the use of accumulated vacation time. It allows for something they haven't had the luxury of in a number of their key positions, the smooth carryover from one administration to the next.

Selectman Teichert said he is leaning to a search within first. He felt they find someone better if they do an external search, but thought it is always great for morale purposes to try to promote from within. Then, if they go through that and were not happy with the results, then they would go out. Selectman Hess said a concurrent search represents doing an internal review while you are getting resumes from an external search. He questioned why someone would apply if they thought there was an internal process that was going ahead of them. Selectman Teichert encouraged looking in the inside and analyze that first. Chairman Vispoli said that one of the reasons they talked about a management study was to get an understanding what kind of skills they might need.

8. New Business (Cont.)

E. Presentation by Town Manager Re: The Andover Fire Department Management Study and Fire Chief Search (Cont.)

He was surprised they would want to start the process without that data. The Manager said in talking to a consultant about this and what he has done in the past, it was a concurrent process. They would have a management study to see what they are looking for and start the search of the new chief during the course of that so that when the study is done you can use that information as part of the testing material for the assessment center and part of the screening material used in the interview process. The Manager said they do have a job description and know what they are looking for. Selectman Hess said the way he was describing the management study, you have certain things that might need to be

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done that are not being done now or can be done differently; he thought you would devise the job description based on that.

Chairman Vispoli said the question is if they are going to do this they want to make sure that they spec the job out for the department. He thought it was worth waiting for that study back otherwise not sure why they are doing it. The Manager answered that the job description is one thing; what he was looking for from the management study would be a series of tasks he would want the new chief to accomplish over the period of three, six, years, etc.

Selectman Lyman felt if they are looking for certain skills and certain attributes and abilities they are not going to capture that premium information unless they get it at the right time. So in the job description, she felt they could use what they have but if they go to do the interviews, they would be remiss to do interviews without that information. The Manager agreed and Board members indicated they were satisfied with that.

Chairman Vispoli said if they are going to do it they want to make sure they get the best person for the job. He said the Town would be better served in that regard and no one can come back and say the process wasn't fair and they didn't go out and look for the best candidate. He agreed with Selectman Teichert that he would like to see someone from inside of the department get the job. If that turns out to be the right person, it will have a lot of benefits. On the other hand, Chairman Vispoli said he wouldn't want to put someone that was not up to the job in that position.

The Manager concluded that based on what he has heard, he would have an open process and advertise internally and externally for the candidates to find the best person for the job.

John Pasquale said he felt there would be two or three individuals that would qualify immediately in the Fire Department. However, if the task force comes back and they get these criteria what if the three inside didn't match. He felt they have to open it to the people of the outside.

Jim Cuticchia, a member of the Fire Department said the process in the past both in the Fire Department and the Police Department with the Police Chief was an internal process. It was a deliberate process, with an assessment team utilized in that capacity. He said he has participated in many interviews, reviewed many resumes over the years on the Boards and Commissions he participated, and it is very easy to have people come in from the outside that sound absolutely fantastic and end up being a problem.

8. **New Business (Cont.)**

E. Presentation by Town Manager Re: The Andover Fire Department Management Study and Fire Chief Search (Cont.)

By the Selectmen taking the process and moving it outside the Department, he said they impact every single person in the department and their ability to move forward, the ability in taking pride in what they do. He said there are people in the Fire Department who would apply and he hoped to be one of them. That is something the Selectmen should encourage because that will give them the best candidate. Mr. Cuticchia said to take it and open it up is unfair to the 70+ firefighters they have down there. Some of them have unbelievable credentials. He felt they will dismiss that without at least going through that process internally first.

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Selectman Lyman said it is not their intent to dismiss the members of the Department. She felt any candidate that is the caliber they are looking for would hold them in the process. All they are trying to say is that they are looking for the best Fire Chief they can get and this is how they want to go. Selectman Lyman said that if Mr. Cuticchia is going to be a candidate of the job she didn't think he should be governing the rules by which he was going to be measured. Mr. Cuticchia said he not trying to govern the rules. He was trying to suggest to the Selectmen there are people in the Department that are qualified and it is a disservice to the people that are there to go external. He said if you eliminate these people through an internal process initially, he would understand that. But give them an opportunity through an internal process to have that chance.

Mary Carbone felt the right thing to do was to go externally as well as internally because it is the proper procedure; it is the honest procedure and she felt it was incumbent on the Town Manager to do it because that is his job to do it and make a decision. She said the Manager has to work with these individuals and negotiate with them during contract negotiations. Ms. Carbone said she felt this could be union related and they should open it up to a whole concept.

F. **Board and Town Manager Plan Agenda for the Coming Year**

The Board set the following meetings:

May 22, 2006 - 1.5 hours for I-93 Interchange - 6:00 to 7:30 p.m.  
7:30 to 8:30 p.m., the first meeting for goal setting in preparation what they derive for Department Heads.  
June 5, 2006 - 1 Hour to finalize/fine tuning of some goals 7:00 p.m.  
June 19, 2006 - 1.5 Hours with department heads  
June 26, 2006 - 1.5 Hours with department heads

9. **Approval of Minutes from Previous Meetings**

It was moved by Selectman Lyman that the Board approve the minutes of April 10, 2006 - Regular Meeting. The motion was seconded by Selectman Hess, voted and approved 4-0 as written.

10. **Sewer Commissioners**

It was moved by Selectman Hess that the Board adjourn the Regular Meeting of the Board and convene to Sewer Commissioners. The motion was seconded by Selectman Lyman, voted and approved 4-0 by roll call vote, Selectman Lyman, Hess, Teichert and Chairman Vispoli in favor of the motion.

It was moved by Selectman Hess that the Board consider the following requests for connection to the new sanitary sewer system:

31 Ballardvale Road - TM 80, TL 9  
24 Boston Road - TM 83, TL 8  
21 Enfield Drive - TM 1320, TL 24  
130 Hidden Road - TM 79, TL 24  
136 Hidden Road - TM 79, TL 25  
76 Holt Road - TM 42, TL 40

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5 Orchard Street - TM 61, TL 2-H  
3 Peach Tree Path - TM 82, TL 49  
4 Snowberry Road - TM 101, TL 15  
465 South Main Street - TM 83, TL 35-A  
11 West Knoll Road - TM 60, TL 4-A

The motion was seconded by Selectman Lyman, voted and approved 4-0.

It was moved by Selectman Hess that the Board approve the following requests for connection to the existing sewer system:

25 Alden Road - TM 78, TL 66-A  
48 Argilla Road - TM 94, TL 11  
4 Dawn Circle - TM 133, TL 65  
8 Dawn Circle - TM 133, TL 67  
10 Dawn Circle - TM 133, TL 68  
6 Millstone Circle - TM 120, TL 6  
36 Main Street (15 Barnard) - TM 39, TL 28  
58 North Street - TM 128, TL 1  
3 Oriole Drive - TM 91, TL 20  
5 Oriole Drive - TM 91, TL 19  
6 Oriole Drive - TM 91, TL 23  
7 Oriole Drive - TM 91, TL 18  
8 Oriole Drive - TM 91, TL 24  
2 Standish Circle - TM 90, TL 59  
38 Sunset Rock Road - TM 79, TL 12-A

The motion was seconded by Selectman Hess, voted and approved 4-0.

It was moved by Selectman Hess that the Board adjourn as Sewer Commissions and reconvene to meeting of Selectmen. The motion was seconded by Selectman Lyman, voted and approved 4-0 by roll call vote, Selectman Lyman, Hess, Teichert and Chairman Vispoli in favor of the motion.

11. Adjournment - 11:35 P.M.

Before adjourning, Selectman Hess requested that at one of their meetings in June they invite Douglas Dunbar since it will be his last month on the Board of Health. The Manager added that he is retiring after 37 years. Selectman Hess hoped that perhaps the Board of Health can schedule their meeting, they meet at 6:00 p.m., on the same night as a Selectmen's meeting and they can come up to the Board's meeting so they can do a little something for Mr. Dunbar. The 19th of June was suggested.

It was moved by Selectman Lyman that the Board close the Regular Meeting of the Board. The motion was seconded by Selectman Hess, voted and approved 4-0.



May 8, 2006 (Cont.)

Elizabeth A. Kochakian  
Recording Secretary